

REMARKS

Upon entry of the present amendment, claims 1-11 will be pending in the application, of which claims 1 and 2 are independent. Claims 3-5 and 7-11 have been amended by the present amendment.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-B is submitted. Applicant respectfully submits that all of the above amendments are fully supported by the original application including the drawings. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application. It is contended that by the present amendment, all bases of objection and rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the objection and rejection is respectfully requested.

Applicant thanks the Examiner Collado for the helpful and courteous telephonic interviews she conducted with applicant's representative on June 8 and 20, 2006, in conjunction with the present application and the Office Action of April 19, 2006. In the present amendment, in order to expedite the prosecution of the application, each of claims 8 and 11 has been amended to depend from allowed claim 1, and therefore, claims 8 and 11 are believed to be in condition for allowance.

Claim Rejections – 35 USC §103

In the Office Action (page 2), the Examiner rejected claims 8-11 under 35 USC §103(a) as being unpatentable over Kuji et al. (US 6,776,250) in view of Greeson (US 6,565,620).

Applicant's response:

As noted above, claims 8-11 have been amended herein. Upon careful consideration and

in light of the above amendments, applicant respectfully submits that the rejection is overcome, and that each of claims 8-11 is patentably distinct over the disclosures of Kuji et al. and Greeson for several reasons, including those given below.

For example, Kuji et al. disclose a straddle type four wheeled all terrain vehicle having an air cleaner 21 located immediately above a carburetor and positioned between a handle 4 and a seat 6 (col. 3, lines 17-23, Fig. 1). The air cleaner 21 of Kuji et al. includes a body 22 having a *container-shaped body box 22b* opened in an upper end portion thereof and a detachable/removable lid portion 22a joined to the upper end portion of the body box 22b; the body box 22 having a cleaner element accommodating portion 22c formed in an upper end portion thereof; *an intake duct 29 provided at a lower portion of a front face of the body 22*; and *outlet 28* (connecting holes), connected to the carburetor, *formed in the lower face of the body 22 /air cleaner 21* (col. 4, lines 17-27, Figs. 3, 4).

Further, Kuji et al. asserts that the interior of the body 22 is structured such that a *separating wall 25* vertically provided between an opening of the intake duct 29 and the outlet 28 defines a fluid passage of the air inflowing through the opening to the outlet 28; and an air filter 27 is horizontally provided over the entire cross section of the fluid passage; thereby, the air taken into the body 22 through the intake duct 29 is cleaned by the air filter 27 and the resulting clean air is flowed to the carburetors through the outlet 28 (col. 4, lines 28-37).

Still further, Kuji et al. disclose that the lid portion 22a of the air cleaner 21 includes a concave portion 31a formed in an upper portion thereof; and the concave portion 31a is formed by recessing a wall portion of the lid portion 22a of the body 22; that the concave portion 31a is formed at a position on the lid portion 22a of the body 22 *so as not to overlap with the outlet 28* when seen in the plan view; and that when the concave portion 31a is formed so as to overlap

with the connecting holes 28, the concave portion 31a makes the fluid passage of the air in the air cleaner 21 narrower to cause an increase in a fluid resistance to the air, and in view of this fact, to suppress the increase in fluid resistance, the concave portion 31a is positioned apart from the connecting holes 28 (col. 4, lines 38-52, Fig. 4).

Furthermore, applicant notes that, Greeson's internally sourced engine air intake filtration system, as disclosed in his second embodiment, on which the examiner relies on for rejection of claims 8-11, includes two air filters, a first air filter 39 located in a trunk or other isolated space 30 separated from a cabin, and a second air filter 60 disposed inside of firewall 20 in a position preferably beneath a dash 25 (col. 3, lines 31-39, Fig. 2).

Thus, in view of the disclosure of Kuji et al., although the lid portion 22a of the Kuji et al.'s system appears to have a dome-shaped case, they fail to disclose or suggest a substantially dome-shaped case *with an outlet pipe integrally formed thereon*, as required by each of claims 8 and 11. Rather, Kuji et al. disclose that the concave portion 31a is formed at a position on the lid portion 22a of the body 22 so as not to overlap with the outlet 28, which *teaches away* from the claimed invention requiring the outlet formed on the substantially dome-shaped case of the air cleaner.

Also, the outlet 28 of the Kuji is formed *in the lower portion of the body 22* and not on the dome-shaped lid portion 22a (an upper part of the air cleaner 21) as required by the claimed invention. On contrary, as discussed above, Kuji et al. emphasize positioning the concave portion 31a apart from the connecting holes 28, which *teaches away* from the claimed invention, to suppress the increase in fluid resistance.

Since in the Kuji et al. air filter the intake duct 29 is provided at a lower portion of the front face of the body 22 and not at the dome-shaped lid portion 22a, they fail to disclose the

intake port attached to a lower portion of the substantially dome-shaped case, as required by each of claims 8 and 11.

More significantly, although Greeson teaches two air cleaners 39, 60 separate and independent of each other, he fails to disclose specific structures of the claimed air cleaner apparatus, i.e. air cleaner having a substantially dome shaped case, etc., as required by claims 8 and 11.

Thus, a person of ordinary skill in the art would not consider the hypothetical modification of Kuji et al. based on a select teaching of Greeson, as proposed by the Examiner, to be obvious because the actual disclosures of these references provide no motivation for such modification. For example, Greeson teaches the air filtration system, having two air cleaners, for providing combustion air and cabin air for motor vehicle, i.e., a car, but this has no applications to Kuji et al.'s all terrain vehicle because the all terrain vehicle, as disclosed by Kuji et al., does not have a cabin.

On the other hand, even hypothetically combining teachings of these references would not achieve the claimed invention because Kuji et al. fail to disclose several features of the claimed supplemental air cleaner as required by each of claims 8 and 11, as discussed above.

Thus, neither of the applied references, either considered singly or in combination teaches or suggests the claimed air cleaner apparatus as required by these claims; and the Examiner fails to establish a prima facie case of obviousness for rejection of claims 8 and 11, and therefore, claims 8 and 11 are patentably distinct over the applied references.

With regard to claims 9 and 10, applicant respectfully submits that these claims are also patentably distinct over the applied references for the reasons provided in relation to claim 8, and that each of these claims further limit the subject matter of the claimed invention.

However, as stated above, in order to expedite the prosecution of the application and to place the application in condition for allowance, applicant has amended claims 8 and 11 to depend from allowed claim 1. Therefore, claims 8 and 11 including claims 9-10 (which depend from claim 8) are believed to be in condition for allowance.

For all the foregoing reasons, applicant requests reconsideration and withdrawal of the Examiner's rejection of claims 8-11 under 35 USC § 103(a).

Allowable Subject Matter

In the Office Action (page 4), the Examiner indicated that claims 1-7 are allowed.

Applicant's Response:

Applicant gratefully acknowledges the Examiner for the confirmation of the allowability of claims 1-7.

Other Matters

As discussed above, in the interest of expediting prosecution of the application and to place the application in condition for allowance, applicant has amended claims 3-5 and 7-11 by the present amendment.

Each of claims 8 and 11 has been amended to depend from allowed claim 1 and for consistency. Each of claims 3-5, 7, 9 and 10 has been amended for consistency.

Applicant respectfully submits that all claim amendments are fully supported by the original specification including the drawings, and that no new matter has been added to the application by the present amendment, since all of the claim limitations were expressly or inherently disclosed by the original specification, including the drawings.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant, therefore, requests reconsideration and withdrawal of the rejection of record, and allowance of all the pending claims.

Entry of the present Amendment-B is respectfully requested under 37 CFR 1.116 on the grounds that: the amendment does not raise any new issues for consideration by the Examiner, but instead expressly amends rejected claims to depend from allowed claims, and therefore, the present amendment is believed to place the application in condition for allowance.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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